



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson
Deputy Director of Planning

HEARING DATE: June 9, 2011

ITEM NO.: 2

TIME: 10:30 AM

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: June 9, 2011

SUBJECT: **General Plan Amendment (PGPA 20100374)**
Foresthill Divide Community Plan Settlement Agreement

COMMUNITY PLAN: Foresthill Divide Community Plan

COMMUNITY PLAN DESIGNATION: Varies

ZONING: Varies

STAFF PLANNER: Melanie Jackson, Associate Planner

LOCATION: Foresthill Divide Community Plan area comprises approximately 109 square miles located in the foothills of the western slope of the Sierra Nevada Mountains in central Placer County in the Foresthill area.

ASSESSOR'S PARCEL NUMBER: Not Applicable

APPLICANT: Placer County Planning Services Division

PROPOSAL:

The General Plan Amendment proposes changes to certain Goals and Policies and a Figure and an Implementation Measure of the Foresthill Divide Community Plan in accordance with the provisions of the Settlement Agreement entered into by Placer County and the Foresthill Residents for Responsible Growth (FROG) and Friends of the North Fork (Friends).

CEQA COMPLIANCE:

On December 9, 2008, the Board of Supervisors certified the Final Environmental Impact Report (EIR) for the Revised Foresthill Divide Community Plan (SCGH # 2001092094).

3091 County Center Drive, Suite 140 / Auburn, California 95603 / (530) 745-3000 / Fax (530) 745-3080
Internet Address: <http://www.placer.ca.gov/planning> / email: planning@placer.ca.gov

An Addendum to the EIR has been prepared for this project pursuant to Section 15164 of the California Environmental Quality Act Guidelines and Section 18.20.110 of the Placer County Environmental Review Ordinance. The Addendum is attached and must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Recommended findings for this purpose are attached.

PUBLIC NOTICES:

Public notices were mailed to County Departments within the Community Development Resource Agency, Friends of the North Fork, Foresthill Residents for Responsible Growth, the Foresthill Forum and other interested parties. A public hearing notice was published in the *Sacramento Bee* newspaper.

SITE CHARACTERISTICS:

The Foresthill Divide is a large ridge within the American River watershed that supports several small communities, some of which have ties to the Gold Rush era. The majority of the Plan area is forested and/or part of the steeply sloping topography that slopes to the North and Middle Forks of the American River.

BACKGROUND AND PROJECT DESCRIPTION:

On December 9, 2008, after certifying the Final Environmental Impact Report, the Board of Supervisors adopted the Foresthill Divide Community Plan, an update of the 1981 Foresthill General Plan. Two organizations, Foresthill Residents for Responsible Growth (FROG) and Friends of the North Fork (Friends), filed a lawsuit challenging the County's certification of the EIR and the approval of the Plan. After extensive negotiations, the Board of Supervisors, FROG and Friends entered into a Settlement Agreement which resolved all issues between the parties. A copy of the Settlement Agreement is attached as Attachment B.

Among other provisions, the Settlement Agreement included the following provision:

Within sixty (60) days of the Effective Date, County will commence work to prepare for submission to the Placer County Board of Supervisors for its consideration amendments to the Foresthill Divide Community Plan as described in this Section (B). County staff shall recommend and Petitioners shall support adoption of such amendments. The Parties agree and understand that the County shall follow its ordinary and customary process for the amendment of a County General Plan, including review under CEQA, public hearings and review of any proposed amendments by the applicable County-established municipal advisory committee and any other group, committee or forum that ordinarily and customarily considers such amendments to allow the public an opportunity to comment on the proposed amendments.

This provision (Section B) then listed the specific language to be added to the Goals, Policies and Implementation discussions of the Plan. These proposed changes are discussed below and constitute the Project. Staff has followed the usual County procedures in processing the Project.

FORESTHILL FORUM

On April 9, 2011, staff presented the proposed General Plan Amendment to the Foresthill Forum as an action item, requesting that the Forum provide a recommendation to the Planning Commission. The Forum voted unanimously to recommend the Planning

Commission approve the modifications as set forth in the Agreement with a few modifications developed by the Forum which are set forth in Attachment E.

DISCUSSION OF AMENDMENTS:

The Settlement Agreement identifies a number of amendments to Goals, Policies, and Implementation Measures in multiple sections of the Community Plan, which are set forth below. The changes from the currently adopted Plan are shown in Attachment C.

1. Goal 3.A.4, Policies 3.A.4-1, 3.A.4-2

Add to Section III, Community Development Element, Section A, Population and Housing, the following new Goal and Policies:

III. Community Development Element

A. Population and Housing

Goals and Policies

Goal 3.A.4 Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

Policies

3.A.4-1 The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.

3.A.4-2 No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

The purpose of adding Goal 3.A.4 to the Foresthill Divide Community Plan is to establish a maximum population for the area in order to maintain the rural character of the Divide. Policy 3.A.4-1 supports Goal 3.A.4 by establishing the threshold for a maximum population for the Foresthill Divide Community Plan area of 22,010 persons based upon the zoned land holding capacity of the land use diagram and which assumes a ratio of 2.5 persons per dwelling unit. Policy 3.A.4-2 establishes a timeframe (no later than 2028) and circumstances which determine when and if an update to the Community Plan should

occur, stipulating that, at such time when the Foresthill Divide Community reaches a population of 16,500 persons or 6,600 dwelling units, whichever occurs first, the County shall consider a review and update of the Community Plan, and shall at that time determine if an update is necessary.

2. Policy 3.D.13-17

Add to Section III, Community Development Element, Section D, Public Facilities, Part 6, Fire Protection, the following new Policy:

6. Fire Protection

Goals and Policies

Policies

3.D.13-17 **The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.**

The purpose of Policy 3.D.13-17 is to establish provisions for ongoing fire protection for development in the Foresthill Divide Community Plan area. Specifically, this policy requires that new residential development of ten (10) units or more, or new commercial developments comprised of five (5) acres or more, establish on-going maintenance of shaded fuel breaks and establish a funding mechanism to support such a requirement.

3. Policy 3.D.4-1

Amend Policy 3.D.4-1 in Section III, Community Development Element, Section D, Public Facilities, Part 4, Water Supply, to read as follows:

4. Water Supply

Goals and Policies

Policies

- 3.D.4-1 All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

The purpose of amending Policy 3.D.4-1 is to ensure that the County require, prior to approval of new development, written confirmation that new domestic water service from a public service provider is available or, where necessary, the County shall specify that improvements are required. The revised language further clarifies the County's intent to ensure that water is available prior to entitlements being issued.

4. Policies 3.D.3-5, 3.D.3-6

Add to Section III, Community Development Element, Section D, Public Facilities, Part 3, Sewage Disposal, the following new Policies:

- D. Public Facilities
- 3. Sewage Disposal

Goals and Policies

Policies

- 3.D.3-5 The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

3.D.3-6 **The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.**

The purpose of adding Policy 3.D.3-5 to the Foresthill Divide Community Plan is to prohibit privately owned package wastewater treatment plants. Privately owned wastewater treatment plants are regulated by the State but, pursuant to this policy, would be prohibited in the FDCP. However, the Environmental Health Department has suggested that publicly owned wastewater treatment plants are preferred within the County. At present there is no plan to establish a public wastewater treatment facility in Foresthill. Government Code Section 5956 clarifies rules for local agencies to use public/private partnerships for the financing and construction of infrastructure, including wastewater treatment facilities. The proposed policy amendment would allow for public/private partnerships to finance and build a new wastewater facility but would still require that it be publicly owned and managed.

The purpose of adding Policy 3.D.3-6 to the Foresthill Divide Community Plan is to discourage the sharing of septic systems by two or more parcels (commonly referred to as “cluster systems”). Requiring individual septic systems helps to ensure the integrity of the disposal systems. This proposed amendment is consistent with current County policy related to shared septic systems, as this type of system is generally not permitted.

5. Goals 3.C.10, 3.C.10-1, 3.C.10-2, 3.C.10-3, 3.C.10-4

Add to Section III, Community Development Element, Section C, Community Design, Part 3, Goals and Policies, the following new Goal and Policies:

C. Community Design

Goals and Policies

Goal 3.C.10 **Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.**

3.C.10-1 **The County shall promote building and development design that minimizes the emission of greenhouse gases and assists**

with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

3.C.10-2 The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy efficient manner.

3.C.10-3 The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walkable downtown.

3.C.10-4 The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilizes local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

The addition of Goal 3.C.10 and policies 3.C.10-1, 3.C.10-2, 3.C.10-3 and 3.C.10-4 are proposed to promote an environmentally sustainable community in the Foresthill Divide Community Plan area with emphasis on encouraging implementation measures for the reduction of greenhouse gas emissions.

6. Policies 4.A.14-2, 4.A.14-3

Amend Policies in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

IV. Resource Management Element

A. Natural Resources/Conservation/Open Space

Goals and Policies

Visual Resources

Policies

- 4.A.14-2 The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.
- 4.A.14-3 Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, public trails and recreation lands, and the public and private viewshed of the American River canyon.

The purpose of amending policies 4.A.14-2 and 4.A.14-3 is to enhance the language of the existing policies related to protecting the visual and scenic character of the community. The enhanced language specifically relates to the visual impacts of new development, including considerations for ridgeline development.

7. Figure IV-6

Figure IV-6 in the FDCP as adopted on December 9, 2008, shall be replaced with Exhibit A attached to this Agreement. (See Attachment D.)

The purpose of amending Figure IV-6 is to reflect where Implementation Measure 29 will apply. The boundary area of this Figure was developed through the use of a 3-dimensional model that identifies the canyon view from the perspective of the North and Middle Forks of the American River Canyon.

8. Implementation Measure 29

Add the following Implementation Measure to Section IV, the Resource Management Element, Section A, Natural Resources/Conservation/Open Space:

4. IMPLEMENTATION

29. The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline

development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines.

Responsible Agency/Department: Planning Department

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan.

Funding: General Fund, Grant funding as available.

The purpose of Implementation Measure 29 is to require the County to develop and implement design guidelines to protect and maintain visual resources within the Important Viewshed Map Figure IV-6 (Attachment D). These guidelines may include the minimization of visual impacts resulting from ridgeline development, setbacks from ridgelines and canyon rims, slope protection, construction below tree height, and the use of appropriate re-vegetation materials.

9. Policy 4.A.13-2

Amend Policy 4.A.13-2 in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

Open Space

Policies

- 4.A.13-2 **The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.**

The purpose of amending policy 4.A.13-2 is to add to the existing policy language to include wording which would discourage impacts to non-motorized water dependant activities.

10. Policy 4.A.13-8

Add to Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space, the following new Policy:

Open Space

Policies

4.A.13-8 The County shall minimize impacts of private development on Federal and State open space and recreation lands.

The purpose of adding Policy 4.A.13-8 is to minimize any potential impact to Federal and State managed open space areas located within the Community Plan area.

RECOMMENDATION:

The Development Review Committee supports a recommendation by the Planning Commission to the Board of Supervisors for the approval of the amendment to the Foresthill Divide Community Plan as set forth above and a recommendation by the Planning Commission to the Board of Supervisors supporting the adoption of the Addendum to the Foresthill Divide Community Plan EIR, based upon the following findings:

FINDINGS:

CEQA:

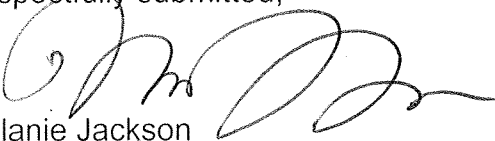
1. The proposed project will not result in substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that would require major revisions of the previous Environmental Impact Report.
2. No new information of substantial importance which was not known, and could not have been known with the exercise of reasonable diligence at the time the Environmental Impact Report was certified, has been discovered which would require major revisions of the previously certified Environmental Impact Report.
3. There is no substantial evidence in the record as a whole that the project as revised may have a significant effect on the environment. With the incorporation of all previously approved mitigation measures and minor amendments thereto, the project will not result in any new or additional significant adverse impacts.
4. The Addendum to the Environmental Impact Report has been prepared as required by law and the document as adopted reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.

5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

General Plan Amendment:

1. The proposed amendments to the Foresthill Divide Community Plan will serve to protect and enhance the health, safety and general welfare of the residents of the Plan area and the County as a whole, and
2. The proposed amendments to the Foresthill Divide Community Plan are consistent with the provisions of the General Plan and in compliance with applicable requirements of State law, and
3. Notice of all hearings required has been given as required by County ordinance and State law.

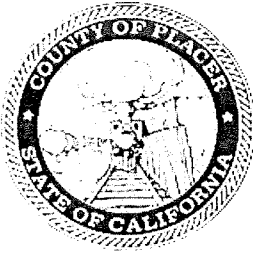
Respectfully submitted,


Melanie Jackson
Associate Planner

ATTACHMENTS:

- Attachment A – Addendum to EIR
- Attachment B – Settlement Agreement
- Attachment C – Incorporated Modifications in the Foresthill Divide Community Plan
- Attachment D – Figure IV-6 – Important Viewshed Map
- Attachment E – Recommendations from the Foresthill Forum

cc: Friends of the North Fork
Foresthill Residents for Responsible Growth
Foresthill Forum
Scott Finley – County Counsel
Michael Johnson – CDRA Director
Paul Thompson – Deputy Planning Director
Subject/chrono files



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

**ENVIRONMENTAL
COORDINATION
SERVICES**

Paul Thompson
Deputy Planning Director

ADDENDUM TO A PREVIOUSLY-CERTIFIED EIR

Pursuant to CEQA Guidelines Section 15164 and Placer County Environmental Review Ordinance Section 18.16.090, an Addendum to a previously-certified EIR may be prepared under certain circumstances. The addendum need not be circulated for public review but can be included in or attached to the previously-certified EIR.

This Addendum to the **Foresthill Divide Community Plan** EIR has been prepared pursuant to the above requirements by the Environmental Review Committee chaired by Melanie Jackson, Associate Planner, who can be contacted at 530-745-3036.

Foresthill Divide Community Plan, EIR Addendum

Project Name: Amendments to the Foresthill Divide Community Plan
PLUS # PGPA 20100374

INTRODUCTION

The Foresthill Divide Community Plan, adopted by the Board of Supervisors on December 9, 2008, was an update of the then-existing community plan. In accordance with the California Environmental Quality Act, an Environmental Impact Report was prepared for the update. The EIR identified impacts in several areas including, but not limited to, Land Use / Agriculture, Air Quality, Biological Resources, and Water Quality. Studies prepared for the EIR included analyses of impacts in each of these areas and recommended mitigation measures. For the purposes of consistency with the Community Plan update, amendments were proposed to the Land Use Diagrams of the Placer County General Plan, the Auburn-Bowman Community Plan, and the Weimar-Applegate-Clipper Gap General Plan, as well as certain property zoning changes within the Foresthill Divide Community Plan, all of which were considered in the certified EIR for the update.

On December 9, 2008, the Placer County Board of Supervisors took the following actions related to the Community Plan and accompanying Ordinances and Resolutions:

1. Adopted Resolution 2008-377 certifying the Final Environmental Impact Report, Adopting a Statement of Findings A Statement of Overriding Considerations and a Mitigation Monitoring Plan for the Foresthill Divide Community Plan and Related Approvals (SCH #2001092094);
2. Adopted Resolution 2008-378 adopting the Foresthill Divide Community Plan;
3. Adopted Resolution 2008-379 approving certain amendments to the Land Use Diagrams of the Placer County General Plan, the Auburn-Bowman Community Plan, and the Weimar-Applegate-Clipper Gap General Plan; and
4. Adopted Ordinance No. 5538-B rezoning certain properties within the Foresthill Divide Community Plan.

On January 8, 2009, Foresthill Residents for Responsible Growth, Inc. (FROG) and Friends of the North Fork (Friends) filed a CEQA claim challenging Placer County's adoption of Resolutions 2008-377, 2008-378, 2008-379 and Ordinance No. 5538-B. A Settlement Agreement was entered into by FROG, Friends, and Placer County that included a process to consider amendments to the Foresthill Divide Community Plan approved by the Board on December 9, 2008. The Settlement Agreement provides that these amendments shall be handled through the County's standard General Plan Amendment process, which includes compliance with the requirements of CEQA. This document analyzes the environmental impacts of the proposed amendments to the Foresthill Divide Community Plan as contemplated under the Settlement Agreement.

REGULATORY BACKGROUND

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) may be utilized for a project when there are minor changes or modifications to a previously certified EIR and none of the conditions have

Addendum to EIR

occurred which would require the preparation of a subsequent EIR (CEQA Guidelines Section 15164). An Addendum is appropriate if the changes or modifications are minor and do not result in any new or significant impacts or a substantial increase in the severity of previously identified significant impacts. An addendum is also appropriate if there are no substantial changes with respect to the circumstances under which the project will be undertaken and there is no new information of substantial importance which shows significant environmental effects not discussed in the previous EIR. An Addendum need not be circulated for public review (CEQA Guidelines Section 15164[c]), but shall be considered by the decision making body prior to making a decision on the project (CEQA Guidelines Section 15164[d] and Placer County Environmental Review Ordinance Section 18.16.090).

This Addendum to the previously certified Foresthill Divide Community Plan EIR demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the Environmental Impact Report remain substantively unchanged by the proposed amendments to the Foresthill Divide Community Plan, and the proposed amendments do not raise any new issues requiring new mitigation measures and do not exceed the level of impacts identified in the previous Environmental Impact Report.

EVALUATION OF PROJECT MODIFICATIONS

The project proposes several sections of the Foresthill Divide Community Plan be amended, including sections related to Population and Housing, Public Facilities, Community Development and Resource Management. In preparing this Addendum, all of the potential impact areas identified on the CEQA Environmental Checklist were considered and analyzed. County staff has concluded that the impacts from the proposed project are consistent with the impacts identified in the certified EIR for the approved Community Plan, and therefore there are no impact(s) not already identified in the EIR.

The following describes the proposed modifications to the Foresthill Divide Community Plan and analyzes the impacts of the proposed project in relation to the certified EIR:

SECTION III, COMMUNITY DEVELOPMENT ELEMENT

Section A, Population and Housing

Add the following goals and policies:

Goal 3.A.4

Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

Policy 3.A.4-1

The population of the Foresthill Divide Community Plan area shall not exceed 20,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the

Addendum to EIR

County may adopt measures to ensure that the maximum population of this policy is not exceeded.

Policy 3.A.4-2

No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

Analysis and Discussion: The addition of Goal 3.A.4 and accompanying Policies 3.A.4-1 and 3.A.4-2 will have no new impacts to population and housing beyond those impacts previously addressed in the Foresthill Divide Community Plan EIR because these policies would not cause or induce substantial population growth or displace substantial numbers of existing housing beyond that established by the Foresthill Divide Community Plan.

Section C, Community Design, Part 3, Goals and Policies

Add the following goal and policies:

Goal 3.C.10

Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.

Policy 3.C.10-1

The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

Policy 3.C.10-2

The County shall investigate and promote programs to assist low and middle income homeowners to weatherize their homes in an energy-efficient manner.

Policy 3.C.10-3

The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walk-able downtown.

Policy 3.C.10-4

The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization

Addendum to EIR

facility, that utilizes local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

Analysis and Discussion: The addition of Goal 3.C.10 and Policies 3.C.10-1, 3.C.10-2, 3.C.10-3 and 3.C.10-4, as proposed in the General Plan Amendment, will not result in impacts to air quality within the Community Plan area beyond those impacts that were previously addressed in the Foresthill Divide Community Plan EIR because these goals and policies are specifically aimed at minimizing the emissions of greenhouse gases, promoting the reduction of vehicle miles traveled, and promoting the establishment of environmentally sustainable businesses and operations.

Section D, Public Facilities, Part 3, Sewage Disposal

Add the following policies:

Policy 3.D.3-5

The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

Policy 3.D.3-6

The County shall discourage the sharing of a septic system (also known as a "cluster system" or a "community system") by two (2) parcels, and to protect the public health, safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

Analysis and Discussion: The addition of Policies 3.D.3-5 and 3.D.3-6, as proposed in the General Plan Amendment, will not result in impacts to utilities and service systems within the Community Plan area beyond those impacts that were previously addressed in the Foresthill Divide Community Plan EIR because these requirements enhance and reiterate the County standards in place for ensuring the availability of environmentally safe wastewater services for new development within Placer County, and the limitation on certain types of wastewater systems is designed to protect the integrity of the groundwater within the Plan area..

Section D, Public Facilities, Part 4, Water Supply

Amend Policy 3.D.4-1 to read as follows:

Policy 3.D.4-1

All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing

Addendum to EIR

services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

Analysis and Discussion: The addition of Policy 3.D.4-1, as proposed in the General Plan Amendment, will not result in impacts to utilities and service systems within the Community Plan area beyond those impacts that were previously addressed in the Foresthill Divide Community Plan EIR because these requirements enhance and reiterate the County protections for ensuring the availability of water services for new development within Placer County.

Section D, Public Facilities, Part 6, Fire Protection

Add the following new policy:

Policy 3.D.13-17

The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFIRE as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and ongoing maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFIRE. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.

Analysis and Discussion: The addition of Policy 3.D.13-17, as proposed in the General Plan Amendment, will not result in impacts related to hazards and hazardous materials because the addition of this policy will not increase the exposure of people to wildland fires. Rather, the Policy will assist in mitigating fire hazards for new development by requiring that new developments of certain size develop a mechanism for creating and maintaining shaded fuel breaks in high fire risk areas. For these reasons, the addition of proposed Policy 3.D.13-17 will not result in impacts beyond what was previously addressed in the Foresthill Divide Community Plan EIR.

SECTION IV, RESOURCE MANAGEMENT ELEMENT

Section A, Natural Resources/Conservation/Open Space

Amend the following policies:

Policy 4.A.14-2

The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.

Addendum to EIR

Policy 4.A.14-3

Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, public trails and recreation lands, and the public and private viewshed of the American River.

Analysis and Discussion: The addition of proposed Policies 4.A.14-2 and 4.A.14-3, as proposed in the General Plan Amendment, will not result in impacts related to aesthetics in the Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because the adoption of these revised policies will afford additional protections for aesthetic resources within the area.

Figure IV-6

Replace Figure IV-6 in the Foresthill Divide Community Plan as adopted on December 9, 2008 with Exhibit A (attached).

Analysis and Discussion: The replacement of Figure IV-6 with a revised version of the Important Viewshed Map will not create impacts to aesthetics within the Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because the revised map expands the designated Important Viewshed areas within the Community Plan. The expansion of the Important Viewshed areas will result in the protection of a larger portion of property within the Community Plan from visual impacts that could result from new development.

Add the following Implementation Measure:

Implementation Measure 29

The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines.

Responsible Agency/Department: Planning Department

Addendum to EIR

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan.

Funding: General Fund, Grant funding as available.

Analysis and Discussion: The addition of Implementation Measure 29, as proposed by the General Plan Amendment will not cause impacts to aesthetics within the Foresthill Divide Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because the Implementation Measure will afford additional protections to important visual resources within the community plan area.

Amend the following Policy:

Policy 4.A.13-2

The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

Analysis and Discussion: The amendment of Policy 4.A.13-2 will not cause additional impacts to recreational parks or facilities in the Community Plan area because the policy itself will not result in any increase in use of these areas and does not establish a new level of use beyond what was previously provided for in the Foresthill Divide Community Plan.

Add the following Policy:

Policy 4.A.13-8

The County shall minimize impacts of private development on Federal and State open space and recreation lands.

Analysis and Discussion: The addition of Policy 4.A.13-8 will not cause impacts to land use and planning in the Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because this policy emphasizes the protection of open space lands within and/or adjacent to the plan area.

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into by and among FORESTHILL RESIDENTS FOR RESPONSIBLE GROWTH, INC. ("FROG"), a non-profit organization; the FRIENDS OF THE NORTH FORK ("Friends"), a California non-profit organization (collectively, "Petitioners"); and PLACER COUNTY and the BOARD OF SUPERVISORS OF PLACER COUNTY (the "County"). The parties hereto are FROG, Friends, and the County and may be collectively referred to as the "Parties" and individually as a "Party." The Agreement is dated and effective as of the date that the last Party signs ("Effective Date").

RECITALS

Whereas, on December 9, 2008, the County, acting through its Board of Supervisors, took the following actions:

- 1) Adopted Resolution 2008-377 certifying the Final Environmental Impact Report (the "EIR"), Adopting a Statement of Findings, a Statement of Overriding Considerations and a Mitigation Monitoring Plan for the Foresthill Divide Community Plan and Related Approvals;
- 2) Adopted Resolution 2008-378 adopting the Foresthill Divide Community Plan (the "FDCP");
- 3) Adopted Resolution 2008-379 approving certain amendments to the Land Use Diagrams of the Placer County General Plan, the Auburn-Bowman Community Plan, and the Weimar-Applegate-Clipper Gap General Plan; and
- 4) Adopted Ordinance No. 5538-B rezoning certain property within the Foresthill Divide Community Plan.

Whereas, on December 12, 2008, the County filed a Notice of Determination in accordance with the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") with respect to actions 2), 3), and 4), as described above ("County Approvals"), and

Whereas, on January 8, 2009, FROG and Friends filed a CEQA CLAIM; PETITION FOR WRIT OF MANDATE challenging the County Approvals described above, naming FORESTHILL RESIDENTS FOR RESPONSIBLE GROWTH, INC. and FRIENDS OF THE NORTH FORK as Petitioners against PLACER COUNTY, BOARD

OF SUPERVISORS OF PLACER COUNTY and DOES 1-10 as Respondents, and naming certain real parties in interest (the “Petition”—Case No. SCV 24213, Superior Court of the State of California, County of Placer), and

Whereas, the Parties desire to resolve their dispute regarding the adequacy of the environmental analysis of the Foresthill Divide Community Plan by the County for the County Approvals and the legality of the County Approvals, along with any and all other disputes that have been or could have been asserted by FROG and Friends in the Petition against the County.

AGREEMENT

NOW THEREFORE, for valuable consideration, the Parties agree as follows:

A. **Recitals Incorporated in Agreement:** The above recitals are true and are hereby incorporated by reference as part of this Agreement.

B. **Amendments to the Foresthill Divide Community Plan:** Within sixty (60) days of the Effective Date, County will commence work to prepare for submission to the Placer County Board of Supervisors for its consideration amendments to the Foresthill Divide Community Plan as described in this Section (B). County staff shall recommend and Petitioners shall support adoption of such amendments. The Parties agree and understand that the County shall follow its ordinary and customary process for the amendment of a County General Plan, including review under CEQA, public hearings and review of any proposed amendments by the applicable County-established municipal advisory committee and any other group, committee or forum that ordinarily and customarily considers such amendments to allow the public an opportunity to comment on the proposed amendments. The amendments shall be as follows:

1. Add to Section III, Community Development Element, Section A, Population and Housing, the following new Goal and Policies:

Goal 3.A.4: Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

Policy 3.A.4-1: The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.

Policy 3.A.4-2: No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

2. Add to Section III, Community Development Element, Section D, Public Facilities, Part 6, Fire Protection, the following new Policy:

Policy 3.D.13-17: The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.

3. Amend Policy 3.D.4-1 in Section III, Community Development Element, Section D, Public Facilities, Part 4, Water Supply, to read as follows:

Policy 3.D.4-1: All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

4. Add to Section III, Community Development Element, Section D, Public Facilities, Part 3, Sewage Disposal, the following new Policies:

Policy 3.D.3-5: The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

Policy 3.D.3-6: The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health, safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

5. Add to Section III, Community Development Element, Section C, Community Design, Part 3, Goals and Policies, the following new Goal and Policies:

Goal 3.C.10: Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.

Policy 3.C.10-1: The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

Policy 3.C.10-2: The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy-efficient manner.

Policy 3.C.10-3: The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walkable downtown.

Policy 3.C.10-4: The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilize local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

6. Amend Policies in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

Policy 4.A.14-2: The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.

Policy 4.A-14.3: Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to

ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, public trails and recreation lands, and the public and private viewshed of the American River.

7. Figure IV-6 in the FDCP as adopted on December 9, 2008, shall be replaced with Exhibit A attached to this Agreement.

8. Add the following Implementation Measure to Section IV, the Resource Management Element, Section A, Natural Resources/Conservation/Open Space:

The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at a minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines

Responsible Agency/Department: Planning Department

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan

Funding: General Fund, Grant funding as available

9. Amend Policy 4.A.13-2 in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

Policy 4.A.13-2: The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

10. Add to Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space, the following new Policy:

Policy 4.A.13-8: The County shall minimize impacts of private development on Federal and State open space and recreation lands.

11. All Parties understand and acknowledge that, in the context of processing the amendments to the Foresthill Divide Community Plan set forth in Section B.1 through B.10 above (“the Project”), the County cannot guarantee the ultimate outcome of any public hearings before the County Planning Commission, Board of Supervisors or other public bodies of the County, nor prevent any opposition thereto by members of the public or other agencies affected by or interested in the Project. The Parties further understand and acknowledge that land use regulations involve the exercise of the County’s police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. (*Avco Community Developers Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 800 (1976); *City of Glendale v. Superior Court* (1993) 18 Cal.App.4th 1768.) The Parties further understand and acknowledge that the approval of the Project may be subject to procedural or substantive obligations under CEQA, the California Code of Regulations, title 14, Section 15000 et seq. (“CEQA Guidelines”), the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the County’s consideration of the Project in light of information obtained or developed pursuant to these laws; and the County retains the discretion to approve, modify or deny any of the individual amendments to the FDCP that collectively constitute the Project in light of such information. Subject to the foregoing, the County, to the extent allowed by law, agrees to proceed with due diligence to process and consider for adoption the Project within twelve (12) months of the Effective Date. The County shall send to FROG and Friends all notices and other public documents prepared for or related to the Project, including notices for all public hearings before the Foresthill Forum, County Planning Commission or the Board of Supervisors.

C. **Fire/Emergency Services Review:** The County, utilizing its standard contracting procedures, shall contract with a qualified third party consultant (“consultant”) to review existing fire/emergency service plans, to consult with key emergency services providers within the Foresthill Divide Community Plan area, including CalFire, Placer County Office of Emergency Services, Forest Hill Fire Protection District and the Foresthill Fire Safety Council, to analyze various likely fire scenarios that might affect the existing population and the population projected under FDCP, to evaluate existing evacuation planning and its effectiveness for existing and potential future populations within the FDCP, and based thereon, to provide a report with recommendations on improvements that may be made to existing plans and identify measures to further protect the FDCP residents and community from fire danger and enhance public safety. The tasks described in the preceding sentence are collectively referred to herein as the “Scope of Work.” The County agrees to proceed with due diligence, and to retain the consultant within four (4) months of the Effective Date and to require the consultant to complete the Scope of Work within nine (9) months of the Effective Date. The maximum amount that the County shall be required to expend to contract with such consultant shall be Thirty Thousand Dollars (\$30,000.00). The County shall hold at least two public meetings, with the consultant in attendance, before the Foresthill Forum regarding fire/emergency services, with one such meeting occurring within sixty (60) days after the consultant has been retained and the second